

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

IN THE MATTER OF:)	Docket No. HWCA 2007-1515A
)	
trueCycle, Inc.)	FIRST AMENDMENT TO
14749 Hesperia Road)	
Victorville, California 92392)	
EPA ID No. CAL 000279045)	ENFORCEMENT ORDER
)	
trueCycle, Inc.)	
14749 Hesperia Road)	
Victorville, California 92392)	
)	
Todd Ryan Gregory Hill, An Individual)	
27475 Ynez Road)	
PMB 118)	
Temecula California 92591)	Health and Safety Code
)	
Respondents.)	Sections 25187
_____)	

INTRODUCTION

The Department of Toxic Substances Control (DTSC) issued an Enforcement Order, Docket No. HWCA 2007-1515, dated October 27, 2009, (Order) to trueCycle, Inc. and Todd Ryan Gregory Hill, an Individual (together “Respondents”) with regard to violations of the Hazardous Waste Control Law and its implementing regulations as stated in the Order (Attachment 1). DTSC hereby issues this First Amendment to Enforcement Order (First Amendment) to Respondents to amend the Order as follows:

1. Caption: the address of Respondent Todd Ryan Gregory Hill, an Individual, as stated in the Order, is hereby redacted from the public copy of the Order.
2. Caption: the address of Respondent Todd Ryan Gregory Hill, an Individual, is amended to read as “27475 Ynez Road, PMB 118, Temecula, California, 92591” in the First Amendment.

Except as amended by this First Amendment, the provisions of the Order shall remain in full force and effect. This First Amendment shall take effect upon the date when this First Amendment is executed by DTSC.

DATE: June 8, 2010

BY: Original signed by Carmelita E. Lampino
Carmelita E. Lampino, Unit Chief
Emergency Response and Enforcement Program
Department of Toxic Substances Control

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA 2007-1515

trueCycle, Inc.
14749 Hesperia Road
Victorville, California 92392
EPA ID No. CAL 000279045

ENFORCEMENT ORDER

trueCycle, Inc.
14749 Hesperia Road
Victorville, California 92392

Todd Ryan Gregory Hill, An Individual

(Address REDACTED)

Respondents.

Health and Safety Code
Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to trueCycle, Inc., and Todd Ryan Gregory Hill (together "Respondents").

1.2. Site. Respondents generated, handled, treated, and stored hazardous waste at the following site: 14749 Hesperia Road, Victorville, California 92392 (Site).

1.3. Inspection. The Department conducted a complaint investigation of the Site on June 21, 2007 and an annual SB 20 inspection of the site on July 25, 2007.

1.4. Authorization Status. Respondents were formerly a universal waste electronic devices collector and universal waste cathode ray tube device recycler and

cathode ray tube glass crusher.

1.5. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

DETERMINATION OF VIOLATIONS

2.1. The Department has determined that:

2.1.1. Respondents violated Respondent violated California Code of Regulations, title 22, section 66273.33, subdivision (d)(3)(F)2.b in that on or about June 21, 2007, Respondents failed to manage all materials produced from the treatment of universal waste electronic devices in a manner that prevents releases of hazardous waste to the environment. There were three Gaylord boxes containing universal waste batteries that were generated from the treatment of universal waste electronic devices observed during the inspection. The boxes were located outside of the warehouse and had damaged bottoms that caused some nickel-cadmium rechargeable, button, and lithium batteries to spill onto the ground.

2.1.2. Respondents violated California Code of Regulations, title 22, section 66273.37, subdivision (a) in that or about June 21, 2007, Respondents failed to immediately contain all releases of universal waste batteries and other residues from universal wastes. Nickel-cadmium rechargeable, button, and lithium batteries were observed to have spilled onto the ground.

2.1.3. Respondents violated California Code of Regulations, title 22, sections 66273.83, subdivision (a)(2) and 66273.87, subdivision (a) in that on or about June 21 and July 25, 2007, Respondents failed to immediately clean up and place in a container any broken cathode ray tube glass, and failed to immediately contain all releases of cathode ray tube materials and residues from cathode ray tube materials. Broken cathode ray tube glasses were observed on the ground outside the warehouse.

2.1.4. Respondents violated California Code of Regulations, title 22, sections 66273.33, subdivision (d)(3)(F)(7)(c), and 66273.83, subdivision (d) (4) in that on or about July 25, 2007, Respondents failed to provide liability coverage for the facility. During April 14, 2007 to October 26, 2007, Respondents did not have the liability coverage.

SCHEDULE FOR COMPLIANCE

3. The above violations have been corrected.

OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondents to costs, penalties, and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

4.3. Parties Bound: This Order shall apply to and be binding upon Respondents, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

4.4. Time Periods. "Days" for purposes of this Order means calendar days.

PENALTY

5.1. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondents' penalty at \$52,650.

5.2. Payment is due within 30 days from the effective date of the Order. Respondents' check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondents and Docket Number, as shown in the heading of this case. Respondents shall deliver the penalty payment to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Carmelita E. Lampino, Unit Chief
Enforcement and Emergency Response Program
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630

RIGHT TO A HEARING

6. Respondents may request a hearing to challenge the Order. Appeal

procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondents, unless Respondents request a hearing within the twenty-day period.

Date of Issuance: October 27, 2009

Original signed by Carmleita E. Lampino
Carmelita E. Lampino
Unit Chief
Department of Toxic Substances Control